

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEMAREST R. SCHOEPPNER, an individual,

NO: 4:17-CV-5133-TOR

ORDER OF DISMISSAL WITHOUT PREJUDICE

V.

Plaintiff.

FLAGSTAR BANK, FSB, a Michigan
Company; MORTGAGE
ELECTRONIC SYSTEMS, INC., a
Virginia Company,

Defendants.

On January 2, 2018, Plaintiff was ordered to file, within 60 days, an

Amended Complaint or voluntarily dismiss the Complaint. Plaintiff is proceeding *pro se* and *in forma pauperis*.

17 Plaintiff was cautioned that his failure to amend or voluntarily dismiss
18 within 60 days would result in the dismissal of this case because his Complaint
19 failed to state a claim. Although granted the opportunity to do so, Plaintiff has
20 failed to timely amend or voluntarily dismiss this action.

1 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*
2 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The
3 good faith standard is an objective one, and good faith is demonstrated when an
4 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*
5 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an
6 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,
7 490 U.S. 319, 325 (1989).

8 The Court finds that any appeal of this Order would not be taken in good
9 faith and would lack any arguable basis in law or fact. Accordingly, the Court
10 hereby revokes Plaintiff’s *in forma pauperis* status.

11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

12 1. Plaintiff’s Complaint is **DISMISSED without prejudice** for failure to
13 state a claim under 28 U.S.C. §1915(e)(2)(B).

14 2. Plaintiff’s *in forma pauperis* status is **REVOKED**.

15 The District Court Executive is directed to enter this Order, enter judgment
16 of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

17 **DATED** March 8, 2018.



18 A handwritten signature in blue ink that reads "Thomas O. Rice".
19 THOMAS O. RICE
20 Chief United States District Judge